IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2487 OF 2007

In

WRIT PETITION NO.3767 OF 2002

Messrs Shri Ram Investments : Applicant
(Orig.Petitioner)

V/s.

Kaipee International : Respondent
(Orig.Respondent)

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Mr.R.A.Thorat for the applicant.

None present for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 16, 2007.

P.C.

Heard.

2. The applicant applies for an injunction restraining the respondent from carrying out additions and alterations of permanent nature in the suit premises. In the affidavit-in-reply, the respondent has stated that they do not intend to make any structural additions or alterations of a permanent nature which might cause damage and waste

to the suit premises. The applicant also applies for an order restraining the respondent from inducting any third-party and/or allowing or permitting any third-party to use the suit premises for carrying out commercial activity. The respondent has filed reply. In para. 9 of the reply, the respondent has stated that they do not intend to create any third-party rights and/or induct any third person in the suit premises in violation of the order dated 27.9.2002. None appears for the respondent today. However, having regard to the statements made in the affidavit-in-reply, there is no reason why the applicant ought not to be granted the relief. Accordingly, it would be appropriate to protect the premises by an order.

3. Civil Application is allowed in terms of prayer clauses (a) and (b).

S.A. BOBDE, J.